

Report to Regulatory Panel

Agenda
Item:

A.1

Meeting Date: 14th October 2015
Portfolio: Finance, Governance and Resources
Key Decision: No
Within Policy and Budget Framework YES
Public / Private Public

Title: DEREGULATION ACT 2015 - CHANGES TO DRIVER AND OPERATOR LICENSING
Report of: Director of Governance
Report Number: GD.66/15

Purpose / Summary:

The report sets out the changes to the duration of Hackney Carriage and Private Hire driver licences and Operator licences following the implementation of the De-regulation Act 2015.

Recommendations:

Members are asked to consider the report and agree to retain current arrangements until further information is available which will be presented to Members at a future meeting of the Regulatory Panel.

Tracking

Executive:	-
Overview and Scrutiny:	-
Council:	-

1. BACKGROUND

1.1 The Deregulation Bill 2015 was given royal assent on 26th March 2015.

1.2 From 1st October 2015 The Deregulation Act amended the Local Government (Miscellaneous Provisions) Act 1976 in two ways:

- It introduces, for Private and Hackney Carriage driver licences, a 3 year licence. The option is available to the council to grant a licence for a lesser period, where the district council think appropriate in the circumstances of the case.
- It introduces, for Private Hire Operators, a 5 year licence. The option is available to the council to grant a licence for a lesser period, where the district council think appropriate in the circumstances of the case.

Appendix A

1.3 These changes have been brought in, in response to the Governments 'Red Tape Challenge' and to reduce bureaucracy.

1.4 At present, Carlisle City Council issues one year licences and fees are calculated on this basis.

2. CURRENT POSITION

2.1 Carlisle City Council currently issues annual licences. This ensures that the appropriate checks are undertaken each year, which include:

- Self- medical declaration or a Doctors medical examination, dependant on the driver's medical record
- Doctor's medical examination for drivers over 65yr old to ensure fitness to drive to group 2 DVLA driving standards
- Driving Licence status/conviction
- Statutory declaration to check criminal convictions
- Photo proof – to update the driver badge

2.2 The council also carries out 3 yearly checks with external agencies to ensure:

- Criminal record check status (with Disclosure Barring Service)
- Driving licence status (with DVLA)
- Doctors medical examination/fit to drive to group 2 DVLA standards for all drivers

3. CURRENT ISSUES

- 3.1** The Council needs to ensure that it continues to maintain the level of checks that are currently in place in order to protect public safety and ensure compliance from drivers and operators.
- 3.2** As yet there has been no guidance issued for the department of Transport in relation to these changes.
- 3.3** Guidance is currently being sought from Institute of Licence and the Local Government Association on all aspects of the implementation.
- 3.4** Discussions with the Trade have begun and the feedback so far has been that the trade would prefer to maintain annual licences.
- 3.5** The Licensing Manager is also carrying out a detailed time and activity exercise to quantify the nature of the tasks performed by Licensing officers and admin staff, which will allow her to calculate the appropriate fee for a three yearly driver licence and five yearly Operator licence.
- 3.6** The Council also needs to consider the circumstances under which a licence may be issued for a 'lesser period' and what that lesser period might be.
- 3.7** For example:
- Over 65 yr old?
 - New Driver?
 - Criminal record?
 - Medical condition?
 - A driver has been before the Panel?
 - Only wants to drive for a short period of time?
 - An amount of points on the DVLA licence?

4. OPTIONS

- 4.1** It is recommended that members agree that the current arrangements continue until such time as guidance from DfT is published, guidance from IOL and LGA has been

obtained, consultation has been completed and costings are available to calculate fees.

- 4.2** An update report will be presented to Members at the Regulatory meeting on 27th April 2016.

5. LEGISLATION

- LGMP Act 1976 Chapter 57, Part II, 53 & 55.
- Deregulation Act 2015 Chapter 20, Section 10.

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Appendices Deregulation Bill 2015
attached to report: LGMP Act Chapter 53 & 55

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- None

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's -

Deputy Chief Executive –

Economic Development –

Governance –

Local Environment –

Resources -

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government (Miscellaneous Provisions) Act 1976. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)



Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART II

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

53 Drivers' licences for hackney carriages and private hire vehicles.

(1) (a)

Every licence granted by a district council under the provisions of this Part of this Act to any person to drive a private hire vehicle shall remain in force for three years from the date of such licence or for such lesser period as the district council may specify in such licence.

(b) Notwithstanding the provisions of the ^{M1}Public Health Act 1875 and the ^{M2}Town Police Clauses Act 1889, every licence granted by a district council under the provisions of the Act of 1847 to any person to drive a hackney carriage shall remain in force for three years from the date of such licence or for such lesser period as they may specify in such licence.

(2) Notwithstanding the provisions of the Act of 1847, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.

(3) The driver of any hackney carriage or of any private hire vehicle licensed by a district council shall at the request of any authorised officer of the council or of any constable produce for inspection his driver's licence either forthwith or—

(a) in the case of a request by an authorised officer, at the principal offices of the council before the expiration of the period of five days beginning with the day following that on which the request is made;

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- (b) in the case of a request by a constable, before the expiration of the period aforesaid at any police station which is within the area of the council and is nominated by the driver when the request is made.
- (4) If any person without reasonable excuse contravenes the provisions of this section, he shall be guilty of an offence.

Annotations:**Modifications etc. (not altering text)**

- C1** S. 53: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1** Table B4

Marginal Citations

- M1** 1875 c. 55.
M2 1889 c. 14.

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 48-54 modified by S.I. 2009/2863 reg. 4 Table
- s. 53(1)(a) words substituted by 2015 c. 20 s. 10(2)(a)
- s. 53(1)(b) words substituted by 2015 c. 20 s. 10(2)(b)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 55A 55B inserted by 2015 c. 20 s. 11

Commencement Orders yet to be applied to the Local Government (Miscellaneous Provisions) Act 1976

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2009/3318 art. 2-4 commences (2009 c. 20)
- S.I. 2011/2329 art. 2 3 commences (2011 c. 5)
- S.I. 2011/3019 art. 3 Sch. 1 commences (2011 c. 13)



Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART II

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

55 Licensing of operators of private hire vehicles.

- (1) Subject to the provisions of this Part of this Act, a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence:

Provided that a district council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence.

- (2) Every licence granted under this section shall remain in force for such period, not being longer than five years, as a district council may specify in the licence.
- (3) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.
- (4) Any applicant aggrieved by the refusal of a district council to grant an operator's licence under this section, or by any conditions attached to the grant of such a licence, may appeal to a magistrates' court.

Annotations:

Modifications etc. (not altering text)

- C1** S. 55: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B5
S. 55 extended (13.3.2000) by S.I. 2000/412, art. 4(4)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 55(2) substituted by 2015 c. 20 s. 10(3)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 55A 55B inserted by 2015 c. 20 s. 11

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Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.



Deregulation Act 2015

2015 CHAPTER 20

Measures affecting business: particular areas

10 Taxis and private hire vehicles: duration of licences

- (1) The Local Government (Miscellaneous Provisions) Act 1976 is amended as follows.
- (2) In section 53 (drivers' licences for hackney carriages and private hire vehicles)—
 - (a) in subsection (1)(a), for “for such lesser period as the district council may specify in such licence” substitute “for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case”;
 - (b) in subsection (1)(b), for “for such lesser period as they may specify in such licence” substitute “for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case”.
- (3) In section 55 (licensing of operators of private hire vehicles), for subsection (2) substitute—
 - “(2) Every licence granted under this section shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.”